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EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,356

Applicant(s)

ALPHA, SHAMIM A.

Examiner

Susan Y Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This is in response to the amendment filed on 05/21/2004.

Claims 1-23 are pending for examination, claims 1, 7-9 and 13 have been amended, claims 21-23 are newly added.

Specification

The amendment filed on 05/21/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“in a search query” and “that is based on a sum of the term weights of the matched terms in the search query” [Page 2, section 0006].

“of the search query” and “the total matched term weight, which is based on a sum of the term weights of the matched terms in the search query” [Page 7, section 0007].

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 and 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 1, 7, 8, 13 and 21, the claimed subject matter "of the search query" and/or "based on a sum of the term weights of the terms in the search query" are new matters because they are not supported by the original filed specification.

As to claims 2-6, 9-12 and 22-23, these claims are have the same defects as their base claims 1, 7, 8, 13 and 21, hence are rejected for the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wical (U.S. Patent No. 6,460,034), in view of Yanagihara et al. (U.S. Patent No. 6,161,102).

As to claims 1-3, 5-8, 10-16 and 18-21, Wical discloses an object retrieval system [e.g., see Abstract, Fig. 1] with apparatus, methods and computer program products as claimed by applicant, to perform the following processing, comprising:

a logic for processing a search query having one or more terms [e.g., the content processing system (110), Fig. 1; col. 6, lines 23-33]. Wherein, the processing logic comprising:

a) an object retrieval logic for identifying candidate objects that match the search query [e.g., the query processing module (175), Fig. 1; 205, Fig. 2; col. 8, lines 58-65, the factual knowledge base query/retrieving logic flows of Fig. 5 and the concept knowledge base query/retrieving logic of Fig. 7]. Wherein, the retrieval logic retrieves a set of most relevant objects associated to the relevance score ranges having a greatest matched term weight [e.g. see step 410-440, Fig. 5; Fig(s). 11-12 and associated texts; col. 25, lines 34-55]; and

c) a ranking logic for assigning a term weight to each of the terms [e.g., the Generate query term strengths unit (402) of Fig.5, the Generate Strengths for Query terms (510) of Fig. 7]; and associating each combination of matched term weights to a relevance score range based on the total matched term weight where an object that matches a first total term weight is associated to a more

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relevant score range than an object that matches a second total term weight that is less than the first total term weight [e.g., the categorizing and ordering logic query processing of Fig. 5, the relevance rank query terms logic (570) of Fig. 7, col. 17, lines 2-61]; and further associating a document to a relevance score bin based on a total matched term weight [e.g., col. 23, lines 26-60, Table 14].
d) display the most relevant documents to a user [e.g., see Fig(s). 11A-1; 12].

Wical did not expressively disclose his system allows a user to click only those in the highest ranked set document.

However, Yanagihara et al. discloses a query processing system to rank and display only the highest ranked set document [for example, col. 11, lines 55 – col. 12, line 14].

Thus, with the teachings of Wical and Yanagihara et al. in front of him/her, it would be obvious to an ordinary skill person in the art, at the time the invention is made, to retrieve only those items, because they are the one's most interested to the user and it would be inefficient to retrieve those of lower interest.

As to claim 9, except the features discussed above, the combined system further discloses that the search query processing logic including a parser that parses the search query to identify the terms [e.g., see Wical: the theme parser, col. 27, lines 24-39].

As to claims 4 and 17, except the features discussed above, the combined system further discloses that the system using an inverse frequency scoring to assign the term weight [e.g., Wical: the query term weight strength is decreased based on the distance weight, see col. 14, lines 4-5].

As to claim 22, except the features discussed above, the combined system further discloses that the relevance range is computed dynamically based at least in part on the sum of the term weights from the search query [e.g., Yanagihara et al. : Fig (s). 3A-B and associated texts].

As to claim 23, this claim is rejected under U.S.C. 112 , first paragraph, because it inherent the new matter problem from it's base claim 20 and no art rejection will be given at this office action.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Susan Y Chen
Examiner
Art Unit 2171

August 17, 2004



UYEN LE
PRIMARY EXAMINER